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January 31, 1994

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BY HAND

Mr. William F. Caton
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

~~DOCKET FILE COPY DUPLICATE~~

RECEIVED
JAN 31 1994
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

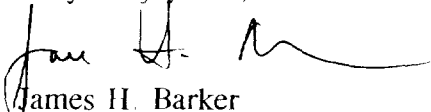
Re: Gen. Docket No. 90-314;
Ex Parte Presentation

Dear Mr. Caton:

This is to advise you that on January 28, 1994, representatives of Bell Atlantic Personal Communications, Inc. ("Bell Atlantic") met with Byron F. Marchant, Legal Advisor to Commissioner Andrew C. Barrett. At that time, there was a discussion of issues raised on reconsideration of the Commission's Second Report and Order concerning broadband PCS. See In the Matter of Amendment of the Commission's Rules to Establish New Personal Communications Services, Second Report and Order, Gen. Docket No. 90-314, FCC 93-451, 8 FCC Rcd. 7700 (Sept. 23, 1993). A copy of three handouts used in the presentation is attached. There was no discussion of issues or arguments related to this proceeding that are not already set forth in the pleadings filed by Bell Atlantic.

Please direct any questions concerning this matter to me.

Very truly yours,


James H. Barker
of Latham & Watkins

cc: Byron F. Marchant

WEAKNESSES OF CURRENT ALLOCATION PLAN

- NO RECORD SUPPORT FOR 10 MHZ BLOCKS
- 10 MHZ BLOCKS ARE NOT ECONOMICALLY VIABLE AS STANDALONE BUSINESS
- CURRENT PLAN YIELDS DIFFICULT AND INEFFICIENT CONSOLIDATIONS
- CURRENT PLAN YIELDS ONLY TWO STRONG COMPETITORS
- "SELF-FULFILLING" PROPHECY

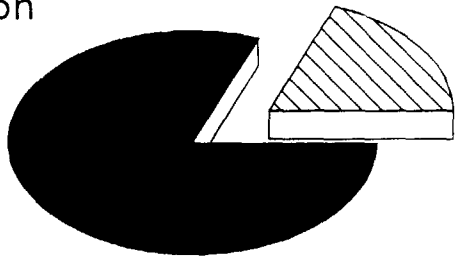
ADVANTAGES OF SIX 20-MHZ BLOCK PLAN

- INCREASED TECHNICAL EFFICIENCY
- INCREASED ECONOMIC EFFICIENCY
- FACILITATION OF MORE EFFICIENT AND ECONOMIC CONSOLIDATIONS OF PCS SPECTRUM BLOCKS
- CREATION OF MULTIPLE STRONG COMPETITORS
- ELIMINATION OF ANY POSSIBLE RATIONALE FOR ELIGIBILITY RESTRICTIONS, ALLOWING ALL COMPANIES TO BRING THEIR RESPECTIVE STRENGTHS TO INFRASTRUCTURE BUILDOUT

Current PCS Attribution Rules

BTA

If Applicant owns 19.9%
of a cellular company
in-region

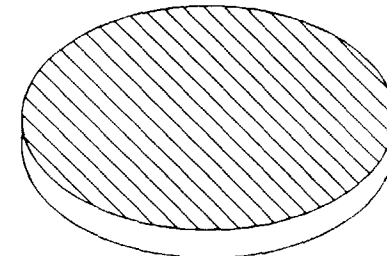


Cellular Company

then

(§ 90-204)

Applicant may also own
100% of the PCS licensee
in-region.

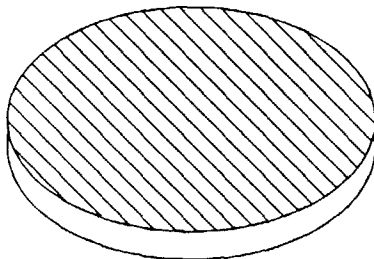


PCS Licensee

BUT

BTA

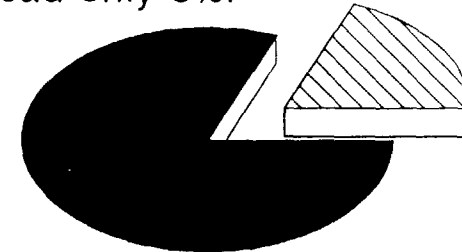
If Applicant owns 100%
of the cellular company
in-region



Cellular Company

then

It appears that Applicant may not
own 19% of the PCS licensee in-region,
but instead only 5%.



PCS Licensee

(PCS Order at ¶ 107 & n. 92)